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Lucia A Keegan 09/18/2006 10:21:31 AM From DB/Inbox: Lucia A Keegan

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UNCLAS PARIS 06165

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ACTION: UNESCO
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UNCLAS SECTION 01 OF 02 PARIS 006165

SIPDIS

FROM US MISSION TO UNESCO PARIS

STATE FOR IO, IO/UNESCO, EUR/ERA, L/EUR, L/UNA

E.O. 12958: N/A
TAGS: [SCUL](#) [ETRD](#) [UNESCO](#) [EUN](#) [PREL](#) [SCUL](#)
SUBJECT: USUNESCO: EXECUTIVE BOARD ITEM - EUROPEAN COMMUNITY
REPRESENTATION

REF: PARIS 2961

11. See action request at paragraph 10.

12. In reftel report of the April 2006 (174th) UNESCO Executive Board (EB) session, Mission reported (in para 30) on the possible need to review and revise the EB rules of procedure in the light of a novel European Union (EU) practice involving ambassadorial representation on the Board. Specifically, this incipient practice consists of having an EU Member State Ambassador from one country (not elected to the Board) participate in EB meetings as part of the delegation of another EU Member State that was duly elected to the Board. For instance, the German Ambassador sat behind the UK placard during debate of certain issues and the Austrian Ambassador sat with the Hungarian delegation (as occurred during debate over the Danish cartoons issue).

13. Mission further reported at that time that several delegations, among them, Canada, India, Indonesia, and Japan were surprised and upset by this practice. As a consequence, an item (No. 51) to examine this practice in the light of existing EB rules has been duly inscribed on the EB's provisional agenda, with Afghanistan, China, India, Indonesia, Japan, and Pakistan shown as initial co-sponsors. The document that discusses this item has been provided to the Department (IO/UNESCO).

14. The item attaches a draft decision that would "entrust to an open-ended inter-sessional working group" of the Board the task of examining the EB rules of procedure with regard to the EU's informal practice mentioned above and to update and amend the rules "to reflect the present composition and terms of reference" of the EB. Quite apart from our immediate concern about reining in the EU's practice, we would also be concerned about the possibility that

review of the rules for this legitimate purpose could lead to undesirable broader rules amendments that may not warrant the same degree of urgent consideration.

¶15. Mission, however, particularly wishes to convey its concerns and seek the Department's guidance with respect to the incipient EU attempt to ensure surrogate representation on the Board. In practice, it works as follows. Each Board members gets eight minutes to present its positions. The ambassador of the Member State holding the EU presidency is embedded in the delegation of another EU Member State. The EU members on the Board cede a few minutes each to the embedded ambassador who then speaks for all the members and EU aspirants on one or more issues. However, the other EU Member State ambassadors on the Board also use their reserved minutes to speak [to the same or to other issues], though for a reduced time.

¶16. EU Mission interlocutors assert that they have "special needs" that warrant such irregular participation and that EU lawyers have examined the propriety of this and see no problem. In effect, the practice is tantamount to saying "forget the letter of credentials my head of state sent to the UNESCO Director General, today I'm helping to represent another EU Member State."

¶17. Mission fears that this conduct has serious implications for other Executive Board commissions, such as the Committee on Conventions and Recommendations (the "CR" which addresses communications alleging human rights violations) whose documents are UNESCO "confidential" and whose deliberations are closed to all but CR members. By extension, the EU practice could lead to, for instance, the Cuban and/or Venezuelan Ambassadors embedding into the Ecuadorian delegation and speaking to issues they would otherwise be unauthorized to address, pursuant to the rules as they have been applied up to now. In addition to UNESCO-wide implications, this EU gambit has even wider potential ramifications for the UN, system-wide that can easily be imagined.

¶18. Canada has privately registered with the Mission its serious concern about this EU practice. India, which has a very strong and vocal Ambassador, raised serious concerns about this at the last EB meeting. She added that she now regrets having agreed to "special arrangements" for the EU and the European Commission during negotiation of the diversity of cultural expressions convention last fall. We believe that India has spearheaded the inscription of this item onto the EB agenda. We have no sense yet how firmly the Europeans are prepared to push back on this attempt to rein in this practice, particularly if the draft resolution is amended to provide for suspension of this practice pending the report of the working group - an amendment the Mission would be inclined to favor.

¶19. According to the current "Provisional Timetable of Work" for the EB and its subsidiary bodies, discussion of Agenda Item 51 is scheduled to be taken up on either Wednesday, September 27 or Thursday, September 28 as part of the work of the EB's Special Committee. The U.S. is not a member of the Special Committee but sessions are open to all member states. Unfortunately, this also coincides with the time the CR will be meeting. Mission Legal Adviser will juggle both meetings giving priority to the EU issue.

¶10. Action Request: Request Department's guidance (particularly from IO and EUR) on what position we should take on all of Agenda Item 51, but in particular the effect to examine with a jaundiced eye the incipient EU practice of surrogate representation through embedding in each others' delegations.
Oliver